

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA

DOCKET NO. 2005-210-E – ORDER NO. 2007-846

DECEMBER 14, 2007

IN RE:	Application of Duke Energy Carolinas, LLC)	ORDER GRANTING
	for Authorization to Enter into a Business)	REQUEST FOR
	Combination Transaction with Cinergy)	CONFIDENTIAL
	Corporation.)	TREATMENT

This matter comes before the Public Service Commission of South Carolina (the Commission) on the request of Duke Energy Carolinas, LLC (Duke Energy or the Company) for confidential treatment of certain material filed in this docket.

On November 2, 2007, Duke Energy filed with the Commission the Company's Market Monitoring reports for the period of July 2007 through September 2007. Duke Energy requests that the reports be held confidential. Duke Energy filed the Company's report clearly marked "confidential." No objections to the request have been received.

The South Carolina Freedom of Information Act ("FOIA") allows exemption from disclosure proprietary business information that meets a definition of "trade secrets." S.C. Code Ann. Section 30-4-40(a)(1) states that matters which may be exempt from FOIA include: "(1) Trade secrets, which are defined as unpatented, secret, commercially valuable plans, appliances, formulas, or processes....Trade secrets also include, for those public bodies who market services or products in competition with others, feasibility, planning, and marketing studies, and evaluations and other materials

which contain references to potential customers, competitive information or evaluation.”

We find that the information contained in the Company’s July 2007 through September 2007 Market Monitoring report for which Duke Energy seeks protection as confidential falls within this definition of materials which may be exempted from disclosure under FOIA.

There have been no objections to the request. Because the Commission finds that the filing of Duke Energy contains competitively sensitive information and meets the definition of “trade secrets” as defined under FOIA, the Commission grants Duke Energy’s request.

IT IS THEREFORE ORDERED THAT:

1. The request of Duke Energy Carolinas, LLC for confidential treatment is granted. Accordingly, Duke Energy Carolinas, LLC’s Market Monitoring report for the period July 2007 through September 2007 filed with the Commission shall be declared confidential and shall be maintained under seal and withheld from public disclosure

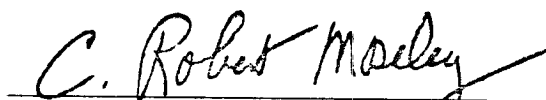
2. This Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:



G. O’Neal Hamilton, Chairman

ATTEST:


C. Robert Moseley, Vice Chairman
(SEAL)